

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**STEVEN TYLER MCCracken,
Plaintiff,**

Civil Action No. 7:21-cv-00468

v.

**STEPHEN CLEAR, et al,
Defendant(s),**

MEMORANDUM OPINION

**By: Thomas T. Cullen
United States District Judge**

Plaintiff, proceeding pro se, filed a civil rights complaint under 42 U.S.C. §1983. By order entered September 8, 2021, the court directed plaintiff to submit, within 20 days from the date of the order, the consent to withholding of filing fees form so plaintiff could complete the application to proceed without the prepayment of the filing fee. On September 21, 2021, that order was returned as undeliverable to the address plaintiff provided in his complaint (15205 Joe Derting Dr., Abingdon, VA, 24210). On October 5, 2021, the court directed the Clerk to mail the September 8, 2021 order to the plaintiff at the following address: SWVRJ, P.O. Box 280, Meadowview, VA, 24361 and allowed the plaintiff until October 28, 2021, to return the signed consent to fee form. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 20 days have elapsed, and plaintiff has failed to comply with the described conditions. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions. The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 5th day of November, 2021.

/s/ Thomas T. Cullen

United States District Judge